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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,401	12/20/2001	Philip A. March	DON01 P-951	6174

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VAN DYKE, GARDNER, LINN AND BURKHART, LLP
2851 CHARLEVOIX DRIVE, S.E.
P.O. BOX 888695
GRAND RAPIDS, MI 49588-8695

EXAMINER

LE, TAN

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,401

Applicant(s)

MARCH ET AL.

Examiner

Tan Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-128 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) 9-12, 21-24, 29, 67-70, 80, 82, 83, 101-104, 114, 116 and 117 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 . 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims withdrawn from consideration are 6,14-20,31-36,39,41-44,47-56,64,72-75,81,87,89,90,93,94,98,106-109,115,121-124,127 and 128.

Continuation of Disposition of Claims: Claims rejected are 1-5,7,8,13,18,25-28,30,37,38,40,45,46,57-63,65,66,71,76-79,84-86,88,91,92,95-97,99,100,105,110-113,118-120,125 and 126.

DETAILED ACTION

1. This is the second office action for application serial number 10/032,401, Interior Rearview Mirror Assembly With Polymeric Components, filed on 12/20,2001. This application contains 128 claims numbered 1-128.

1. Applicant's election without traverse of species of Figures 1-5 in Paper No. 6 is acknowledged.

3. Currently claims 1-5, 7-13, 18, 21-30, 37-38, 40, 45, 46, 57-60, 61-63, 65-71, 76-80, 82-86, 88, 91-92, 95-97, 99-105, 110-114, 116-120 and 125-126 are readable on the elected invention and an examination follows below. Upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicants must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a).

4. Claims 6, 14-17, 19-20, 31-36, 39, 41-44, 47-56, 64, 72-75, 81, 87, 89, 90, 93-94, 98, 106-109, 115, 121, 122 (claim 122 depends upon claim 121 which is not elected), 123, 124 and 127-128 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected, there being no allowable generic or linking claim.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show

every feature of the invention specified in the claims. Therefore, the electrical bus bars molded within the rearview mirror support as claimed in claims 29, 80 and 114 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 5, 7-8, 13, 18, 25-28, 30, 57-59, 61-63, 65-66, 71, 76-79, 84, 95-96, 97, 99-100, 105, 110-113 and 118 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,646,210 to Skogler et al. in view of U.S. Patent No. 2,456,182 to Goble.

Regarding claims 1-4, 25-28, 30 and 57, Skogler et al. discloses a vehicular mirror and light assembly comprising: a rearview mirror mount (14, 12) a rearview mirror housing (15, 17, 26, 13) (Fig. 3); a rearview mirror support (11); a first pivot element (12); a second pivot element (13); the support being pivotally attached to the

mount by the first pivot element and the housing being pivotally attached to the support by the second pivot element; at least one electrical accessory (Fig. 7 and 19, for example) included in the housing and electrical conductors (130, 140) connecting the electrical accessory and extending to outside the support as shown in Fig. 1.

Unlike Skogler, Goble teaches the conductors (24, 25) extending through the first and second pivot elements, the support and the housing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the conductors extending of Skogler to include the conductors extending as taught by Goble in order to securely protect the conductors as well as to provide safety inside the vehicle. Nevertheless, the use of extending the conductors through the pivot elements or the housing is conventional and to use such in the same intended purpose would have been obvious and well within the level of ordinary skill in the art thereby providing structure as claimed.

Skogler in view of Goble also does not expressly disclose each of the mount, the support, the housing, first pivot and the second pivot element is formed in its respective color by molding from polymeric material of that color which is substantially the same color which comprises black.

It would have been an obvious matter of design choice to form each element having different color or substantially the same color since Applicant has not disclosed that the different color or the same color solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with other elements having different color other than the color as claimed. Nevertheless,

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The particular color and material claimed by the Applicant is nothing more than one of numerous colors and material that a person having ordinary skill in the art provides for using routine experimentation based on its suitability for the intended use of the invention, and further does not produce any unexpected results.

Claims 61-62, 76-79, 84, 95-96, 110-113 and 118 include limitations similar to those recited in claims 1-4, 25-28, 30 and 57 are therefore, also disclosed by Skogler in view of Goble.

Regarding claims 5, 7-8, 13 and 18, Skogler in view of Goble also discloses that the first and the second pivot elements each comprises a ball pivot member and the support comprises a hollow sleeve having sockets at both ends which receive and frictionally engages the ball pivot members.

Claims 63, 65-66, 71, 97, 99, 100 and 105 include limitations similar to those recited in claims 5, 7, 8, 13 and 18, are therefore, also disclosed by Skogler in view of Goble.

Regarding claims 58, 59 Skogler as modified also teaches the electrical accessory comprising an electro optical mirror element (80, 98) and an electrical circuit board (140, 149, 130).

Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skogler in view of Goble and further in view of U.S. Patent No. 6,420,975 to Deline et al.

Unlike Skogler and Goble, Deline et al. teaches the electrical accessory comprising at least one microphone mounting in the rearview mirror housing (1020, 1022, 1024, 1026).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the microphone feature in the housing as taught by Deline et al. in order to speak from inside of the vehicle. Nevertheless, the use of microphone in the rearview mirror housing is conventional and well known and to use such in the same intended purpose would have been obvious to one skilled in the art thereby providing structure as claimed.

Claims 37-38, 40, 45-46 85-86, 88, 91-92, 119-120 and 125-126 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skogler in view of Goble and further in view of U.S. Patent No. 4,936,533 to Adams et al.

Regarding claims 37-38, 40 and 45-46, Skogler as modified teaches a support member (14) (Fig. 5) adapted for receipt over a retainer or button mounted on the inside surface of a windshield to support the rearview mirror assembly (Col. 5, lines 18-20), but does not explicitly disclose as claimed in claims 37-38, 40 and 45-46 above.

Adams teaches the mount including a means on one surface for pivotal attachment to the support, and a cooperating receiving members on another surface comprising spaced slide surfaces and being inclined inwardly toward one another creating a wedge shaped, double tapered attachment member for slidably attaching to the fastener.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have implemented Adams' teaching into Skogler as modified because this teaching would have enabled the mount to be slidably attached to the fastener(34) in order to support the rearview mirror assembly.

Claims 85-86, 88, 91-92, 119-120 and 125-126 include limitations similar to those recited in claims 37-38, 40 and 45-46, are therefore, also disclosed by Skogler in view of Goble and further in view of Adams et al.

Allowable Subject Matter

7. Claims 9-12, 21-24, 29, 67-70, 80, 82-83, 101-104, 114 and 116-117 are objected to but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,615,857 to Hook

5,938,321 to Bos et al.

5,813,745 to Fant, Jr. et al.

5,820,245 to Desmond et al.

5,931,440 to Miller

The above patents disclose various types of rear mirror mounting brackets.

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9 Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Le, whose telephone number is 703.305.8244. The Examiner can normally be reached on Tuesday through Thursday, 9:00-6:00 and alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for official communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Group receptionist at 703.308.2168.



Tan Le
Patent Examiner
AU 3632
February 7, 2003



RAMON O. RAMIREZ
PRIMARY EXAMINER
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